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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,857	07/09/2001	Yang Pang	COHL-4340	9106

7590

11/19/2002

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EXAMINER

JACKSON, CORNELIUS H

ART UNIT PAPER NUMBER

2828

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,857

Applicant(s)

PANG ET AL. 

Examiner

Cornelius H. Jackson

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.



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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment

1. Acknowledgment is made that applicant's pre-Amendment, filed on 15 April 2002, has been entered. Upon entrance of the pre-Amendment, claim 1 has been amended. Claims 1-17 are now pending in the present application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 6-17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 2 recites the limitation "said first media" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 6 recites the limitation "said extracted air" in lines 14-15 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claims 7-11 are rejected for depending on an indefinite base claim.

Art Unit: 2828

6. Also, claim 6 recites the limitation "gas conditioning arrangement" in line 8 of claim and the limitation "gas" in lines 11 and 12 of claim. The antecedent basis for this limitation in the claim is improper.

7. Claim 12 recites the limitation "said extracted air" in lines 8-9 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claims 13-17 are rejected for depending on an indefinite base claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

9. Claims 1-3, 12-14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah et al. (6428608). *Regarding claim 1,* Shah et al. disclose a method of minimizing contamination comprising the steps of (i) extracting gas from the atmosphere within the enclosure; (ii) passing the extracted gas through a first medium selected to reduce the water vapor content thereof, (iii) following step (ii), passing the extracted gas through a

Art Unit: 2828

second medium selected to reduce the organic vapor content thereof, (iv) following step (iii) passing the extracted gas through a filter selected to reduce the particulate matter content thereof, (v) following step (iv), returning the extracted gas to the enclosure, **see col. 3, line 33-col. 5, line 40.**

Regarding claim 12, Shah et al. discloses a purging apparatus comprising a gas conditioning arrangement **120** including a desiccant medium, a medium for trapping organic vapors, and a filter for trapping particulate matter; a pump **106**, said pump **106** being arranged to extract said gas from said enclosure **20** and deliver extracted said gas to said gas-conditioning arrangement **120** via said second conduit; and said gas conditioning arrangement **120** being configured such that said extracted air delivered thereto by said pump passes, in sequence, through said desiccant medium, said organic vapor trapping medium, and said filter and is then returned to said enclosure.

Regarding claims 2 and 13, Shah et al. discloses wherein said first medium is silica gel, **see col. 9, lines 30-35.**

Regarding claims 3 and 14, Shah et al. discloses wherein said second medium is activated carbon, **see col. 3, lines 25-30.**

Regarding claim 17, Shah et al. discloses further including first and second valves, said first and second valves arranged such that a drying gas may be circulated through said desiccant medium for regenerating said desiccant medium while preventing said drying gas from reaching said enclosure, **see col. 4, lines 36-67.**

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4-11, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (6428608) in view of McMahan (4229709). Shah et al., as applied to claim 1-3, 12-14 and 17 above, teach all the stated limitations, including an enclosure **20**. Shah et al. fails to teach the use of the purging apparatus in a laser system. McMahan teach the use of a purging apparatus in a laser system **Fig. 2** having a plurality of optical components was well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus of Shah et al. in the laser system of McMahan to improve the air quality in the laser enclosure by controlling humidity and/or for removing volatile organic compounds and particulate material in the enclosure, **see Shah et al. col. 1, lines 5-20, col. 2, lines 3-24 and col. 3, lines 21-42.**

Regarding claim 7, Shah et al. teach wherein said first medium is silica gel, **see col. 9, lines 30-35.**

Regarding claim 8, Shah et al. teach wherein said second medium is activated carbon, **see col. 3, lines 25-30.**

Art Unit: 2828

Regarding claims 4, 9, and 15, McMahan teach second medium is a molecular sieve, **see abstract, and col. 3, line 40-col. 4, line 2.**

Regarding claims 5, 10, and 16, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Regarding claim 11, Shah et al. teach further including fourth and fifth conduits and first and second valves, said fourth and fifth conduits and said valves arranged such that a drying gas can be passed through said desiccant medium for regenerating the desiccant medium while preventing said drying gas from entering said enclosure, **see col. 4, lines 36-67.**

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elliott et al. (5771260), Drake et al. (4364015) and Hepburn (3789320) all disclose a similar laser system with a gas purging apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cornelius H. Jackson whose telephone number is (703) 306-5981. The examiner can normally be reached on 8:00 - 5:00, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the

Art Unit: 2828

organization where this application or proceeding is assigned are (703)308-7722 for regular communications and (703)308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.



chj
November 18, 2002



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